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09/582,297	04/08/2002	Kenneth Carbone	06975-029006	1661

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EXAMINER
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OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2457

NOTIFICATION DATE	DELIVERY MODE
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11/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

## Office Action Summary

Application No.

09/582,297

Applicant(s)

CARBONE ET AL.

Examiner

RAMY M. OSMAN

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2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/23/00, 10/30/03, 12/18/06  
5/16/07, 4/18/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. This communication is responsive to application filed on April 8, 2002. Claims 1-69 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-6,8-13,16-35,37-42,44-48,51-68 rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (TCP/IP Illustrated, Volume 1: The Protocols, 1994).**
4. In reference to claims 1,37, Stevens teaches a method and computer readable medium for asynchronously transferring a plurality of data objects between client and host devices, the method comprising:
  - transmitting to a client device a plurality of identifiers for data objects, each identifier corresponding to a different one of the data objects to be transferred (pgs 224-226);
  - transferring over a network between the host and client devices a data frame that includes an identifier and at least a portion of the corresponding data object; and repeating the data frame transfers until the plurality of data objects have been transferred (pgs 12,224-226 & 228, Stevens discloses sending IP datagrams, where each datagram includes a sequence identifier

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corresponding to a TCP segment (i.e. data object); the datagrams are sent until all segments are transmitted).

5. In reference to claims 2,38, Stevens teaches the method and computer readable medium of claims 1,37 respectively, wherein at least two sequential transfers of a data frame include transferring frames with different identifiers (pgs 224-226).

6. In reference to claims 3,39, Stevens teaches the method and computer readable medium of claims 1,37 respectively, wherein the transfers of the portions of at least two data objects are interleaved (pgs 224-226,275-288).

7. In reference to claims 4,40, Stevens teaches the method and computer readable medium of claims 1,37 respectively, further comprising: transmitting a data transfer request from the client device to the host device, the transmission of a plurality of identifiers being in response to the data transfer request (pg 231; bottom half of the page).

8. In reference to claims 5,41, Stevens teaches the method and computer readable medium of claims 1,37 respectively, wherein the transfers are downloads (pgs 229,231,275-288; downloads are inherent feature of data transfer).

9. In reference to claims 6,42, Stevens teaches the method and computer readable medium of claims 1,37 respectively, wherein a portion of the transfers are uploads and a portion of the transfers are downloads, the uploads and downloads being interleaved (pgs 229,231,239,275-288; uploads and downloads are inherent features of data transfers).

10. In reference to claims 8,43, Stevens teaches the method and computer readable medium of claims 1,37 respectively, further comprising: transmitting to the client device a size for data

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frames before the transfers, the data frames transferred being of said size (pgs 236-238, Stevens discloses MSS).

11. In reference to claims 9,44, Stevens teaches the method and computer readable medium of claims 1,37 respectively, further comprising: transmitting a frame count to the client device, the frame count corresponding to the number of data frames that the client device can transfer without receiving a request for more data frames (pgs 236-238,275-288).

12. In reference to claims 10,45, Stevens teaches a method and computer readable medium for asynchronously transferring a plurality of data objects between client and host devices, the method comprising:

transmitting to a client device a plurality of identifiers and routings of one or more handling processes, each identifier corresponding to one of the data objects (pgs 1-3,6,12, Stevens discloses handling processes as the applications specified in the Application Layer of the TCP/IP protocol suite);

transferring between the client and host devices a first data frame that includes a first identifier, a routing of a first handling process, and at least a portion of the data object corresponding to the first identifier; transferring between the client and host devices a second data frame that includes a second identifier, a routing of a second handling process, and at least a portion of the data object corresponding to the second identifier; and repeating the data frame transfers until the plurality of data objects have been transferred (pgs 12,224-226 & 228, Stevens discloses sending IP datagrams, where each datagram includes a sequence identifier corresponding to a TCP segment (i.e. data object); the datagrams are sent until all segments are transmitted).

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13. In reference to claims 11,46, Stevens teaches the method and computer readable medium of claims 10,45 respectively, further comprising: writing the portions of the data objects to first and second storage locations to which the respective first and second identifiers are assigned (pg 224, it is inherent that the data segments will be written into storage).

14. In reference to claims 12,47, Stevens teaches the method and computer readable medium of claims 11,46 respectively, wherein the writes of the first and second portions of the data objects corresponding to the first and second identifiers are controlled by the first and second handling processes, respectively (pg 224).

15. In reference to claims 13,48, Stevens teaches the method and computer readable medium of claims 10,45 respectively, wherein the first and second handling processes handle uploads of data objects for first and second data objects (pgs 1-3,6,12).

16. In reference to claim 16, Stevens teaches the method of claim 10, wherein the request for more data frames includes the routing of the first handling process (pgs 231-232).

17. In reference to claims 17,51, Stevens teaches a method and computer readable medium for asynchronously transferring data between host and client devices, comprising:

receiving from a client device a frame requesting a data transfer session (pgs 12,231-232);

sending to the client device a frame defining a session protocol that assigns an identifier to each data object (pgs 12,236-238); and

transferring a plurality of data frames between the client and host devices, each data frame comprising a data portion of a data object and an identifier assigned to the data object including said data portion (pgs 12,224-226,275-288).

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18. In reference to claims 18,52, Stevens teaches the method and computer readable medium of claims 17,51 respectively, wherein the transferring of data frames includes a data upload (pgs 229,231).

19. In reference to claims 19,53, Stevens teaches the method and computer readable medium of claims 18,52 respectively, further comprising: writing a particular data portion to a storage volume assigned to a particular identifier in response to receiving a data frame including the particular identifier and data portion, unique data objects being assigned to each storage volume (pg 224, it is inherent that the data segments will be written into storage).

20. In reference to claims 20,54, Stevens teaches the method and computer readable medium of claims 17,51 respectively, further comprising: receiving a second frame from the client device requesting a second data transfer session (pgs 231-232); sending a second frame to the client device defining a second session protocol that assigns an identifier to each data object of the second session (pgs 236-238); transferring a plurality of second data frames between the client and host devices, each second data frame including a second data portion and an identifier assigned to a data object including the second data portion (pgs 224-226).

21. In reference to claims 21,55, Stevens teaches the method and computer readable medium of claims 20,54 respectively, wherein the transfers of first and second data frames are interleaved (pgs 224-226,232,239,275-288).

22. In reference to claims 22,56, Stevens teaches the method and computer readable medium of claims 20,54 respectively, wherein the transfers of second data frames are downloads from the host device (pgs 224-226,232).

22. In reference to claims 23,57, Stevens teaches the method and computer readable medium of claims 17,51 respectively, further comprising: receiving a frame from a second client device requesting a second data transfer session( pgs 231-232); sending a frame to the second client device defining a second session protocol that assigns an identifier to each second data object of the second session (pgs 236-238); and transferring a plurality of second data frames between the second client and host devices, each second data frame including a second data portion of a second data object and an associated identifier (pgs 224-226).

23. In reference to claims 24,58, Stevens teaches the method and computer readable medium of claims 17,51 respectively, further comprising: sending to the client device a routing for a handling program assigned to each data object; and wherein each data frame includes the routing of the handling program assigned to the data object therein (pgs 1-3,6).

24. In reference to claims 25,59, Stevens teaches the method and computer readable medium of claims 24,58 respectively, wherein first and second data objects are assigned first and second handling programs, respectively (pgs 1-3,6,12).

25. In reference to claims 26,60, Stevens teaches the method and computer readable medium of claims 24,58 respectively, further comprising: writing a particular data portion to a storage volume assigned to a particular identifier in response to receiving a data frame including the particular identifier and data portion. unique data objects being assigned to each storage volume (pg 224).

26. In reference to claim 27, Stevens teaches the method of claim 26, further comprising: controlling the write with the handling program assigned to the data object being written (pgs 1-3,6).



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27. In reference to claims 28,61, Stevens teaches a method and computer readable medium for transmitting data over a network between host and client devices, the method comprising:

receiving from a client device a frame requesting one of a data upload session and a data download session (pgs 12,229,231);

establishing a session protocol in response to receiving the frame from the client device (pgs 12,229-232);

transmitting to the client device a frame defining the session protocol (pgs 12,229-232);

receiving from the client device a data frame conforming to the protocol if the frame from the client device requested an upload; and transmitting to the client device a data frame conforming to the protocol if the frame from the client device requested a download (pgs 12,224-226,229-232).

28. In reference to claims 29,62, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the establishing a session protocol includes: assigning a handling program and a storage location to each data object identified in the frame requesting a session; and wherein the transmitting to the client device a frame defining the session protocol includes sending an identifier for the storage location and a routing for the handling program assigned to each data object (pgs 12,224-226,229,231).

29. In reference to claims 30,63, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the transmission of a frame defining the session protocol includes: transmitting a size for data frames to the client device (pgs 236-238).

30. In reference to claims 31,64, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the transmission of a frame defining a session protocol

includes transmitting a frame count, the frame count being the number of data frames that the client can send prior to receiving a request for more data (pgs 275-288).

31. In reference to claims 32,65, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the transmission of a frame defining a session protocol includes transmitting a format for a command to abort to the client device; and further comprising terminating the session in response to receiving the command to abort from the client device (pgs 231-234).

32. In reference to claims 33,66, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the transmission of a data frame comprises: receiving a frame including an identifier for a storage location, a routing of a handling program, and data to store in the identified storage location; wherein the transmission of a session protocol includes transmitting to the client device the identifier and the routing of the handling program assigned to each data object of the session (pgs 1-3,6,12).

33. In reference to claims 34,67, Stevens teaches the method and computer readable medium of claims 28,61 respectively, wherein the act of transmitting a data frame further comprises: receiving a second message including a second identifier for a second storage location and data to store in the second storage location; and wherein the transmitting a frame defining the session protocol includes transmitting the second identifier to the client device (pgs 224-226).

34. In reference to claims 35,68, Stevens teaches the method and computer readable medium of claims 28,61 respectively, where in the act of establishing includes assigning a storage location and associated identifier to each data object identified in the frame requesting a session (pgs 224-226, 229-234).

***Claim Rejections - 35 USC § 103***

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. **Claims 7,14,15,36,43,49,50,69 rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (TCP/IP Illustrated, Volume 1: The Protocols, 1994) in view of Applicant Admitted Prior Art (AAPA, disclosure to application 09/582,297).**

37. In reference to claims 7,43, Stevens teaches the method and computer readable medium of claims 1,37 respectively, wherein the transfers of data frames stop at a preselected frame count in the absence of a request for more data frames from a device that receives the data frames.

“Official Notice” is taken that requesting files is old and well-known in the art. It is well known that when a client requests a file that only that particular file is sent, whereupon another file is not sent unless a client requests another file (Stevens, pgs 12 & 229; and AAPA disclosure pgs 1-2). It would have been obvious for one of ordinary skill in the art to stop transfers in the absence of a request because that is a standard of practice in IP communication.

38. In reference to claims 14,49, Stevens teaches the method and computer readable medium of claims 13,48 respectively, wherein the first and second data objects include data for first and second images, respectively (“Official Notice” is taken that image files are well-known in the art. It is well known that files can contain any form of digital data which includes images, among

other things). It would have been obvious for one of ordinary skill in the art to make the data objects include image file data because that is one of the standard types of data that can be digitized and transferred via IP communication.

39. In reference to claims 15,50, Stevens teaches the method and computer readable medium of claims 10,45 respectively, wherein the transfers of data frames including the first identifier stop at a preselected frame count in the absence of a request for more data frames from a device that receives the data frames

“Official Notice” is taken that requesting files is old and well-known in the art. It is well known that when a client requests a file that only that particular file is sent, whereupon another file is not sent unless a client requests another file (Stevens, pgs 12 & 229; and AAPA disclosure pgs 1-2). It would have been obvious for one of ordinary skill in the art to stop transfers in the absence of a request because that is a standard of practice in IP communication.

40. In reference to claims 36,69, Stevens teaches the method and computer readable medium of claims 35,68 respectively, wherein the data objects comprise: a first image file; and a second image file (“Official Notice” is taken that image files are well-known in the art. It is well known that files can contain any form of digital data which includes images, among other things). It would have been obvious for one of ordinary skill in the art to make the data objects include image file data because that is one of the standard types of data that can be digitized and transferred via IP communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
December 10, 2005

  
ABDULLAHI SALAD  
PRIMARY EXAMINER